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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Domel)	Art Unit: 3634
)	
Serial No.: 10/062,655)	Examiner: Johnson
)	
Filed: February 1, 2002)	1006.023
)	
For: OPERATING SIGNAL SYSTEM AND METHOD)	October 18, 2004
FOR CONTROLLING A MOTORIZED WINDOW)	750 B STREET, Suite 3120
COVERING)	San Diego, CA 92101
)	

REPLY BRIEF

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This reply brief responds to the Answer (the second one so far) dated October 1, 2004.

If nothing else, Appellants are full of hope that the Board will read the claims, admittedly something of an inconvenience but necessary to remedy the evident delinquency of the conferees, as demonstrated by the Answer.

Specifically, the allegation that "only one signal has been claimed", used to counter Appellant's argument that Buccola does not teach the claims regardless of its status as analogous art, is simply wrong. Claim 1, for example, requires a wake-up signal having a first frequency, and a data signal having a second frequency different than the first frequency. On this manifest error alone, the rejections should be reversed.

Turning to the availability of Buccola as prior art, the claims are directed to motorized window coverings. Buccola is directed to door locks. The Answer argues that Buccola is analogous art because the

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problem to which the present invention is directed is "conserving power". No, not if one actually reads the claims (a recurring problem that does not flatter the Answer). "The name of the game is the claim". No claim is directed to "conserving power" in a vacuum, but rather to a specific technical field - motorized window coverings. Not door locks. Otherwise, there would be no principled reason to deny that power conservation references in areas such as spaceship design and penile implants (both of which assuredly require battery power conservation) would also be analogous to the present window covering claims.


The conclusory statement in the Office Action to the contrary - that one would have been motivated to "look to power conserving devices in general, not merely within the blind art" - is just that, a pure unsupported personal conclusion, really nothing more than a guess, on the part of the examiner. No prior art citation in support of this imputation of a wonderfully far-ranging curiosity on the part of the window blind artisan has been offered. No discussion has been offered as to the level of skill in the art, much less why that level of skill would motivate the window blind artisan to look to the door lock art, MPEP §2143. No reasoning, based on evidence of record from the prior art (as opposed to unsupported legal conclusions), has been put forth showing that power conservation in door locks (or spaceships, etc.) is known by skilled artisans to be reasonably pertinent to power conservation in window coverings. Agency conclusions of law bereft of findings of fact based on evidence of record cannot stand.

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Respectfully submitted,



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